

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

UNILOC USA, INC., et al,  
Plaintiffs,

V.

AVAYA INC.,

CISCO SYSTEMS, INC.,

SHORETEL, INC.,

HUAWEI ENTERPRISE USA, INC.,

NEC CORPORATION OF AMERICA,

UNIFY INC.,

FACEBOOK, INC.,

VIBER MEDIA S.A.R.L.,

WHATSAPP INC.,

OOVVOO, LLC,

TANGOME, INC. d/b/a TANGO,

Defendants.

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Case No. 6:15-cv-01168-JRG  
LEAD CASE

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Case No. 6:15-cv-01175-JRG
Case No. 6:15-cv-01169-JRG
Case No. 6:16-cv-00099-JRG
Case No. 6:16-cv-00100-JRG
Case No. 6:16-cv-00101-JRG
Case No. 6:16-cv-00223-JRG
Case No. 6:16-cv-00224-JRG
Case No. 6:16-cv-00225-JRG
Case No. 6:16-cv-00324-JRG
Case No. 6:16-cv-00380-JRG

## JOINT CLAIM CONSTRUCTION STATEMENT PURSUANT TO P.R. 4-3

Pursuant to P.R. 4-3 and the Court’s Docket Control Order, Plaintiffs Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (collectively “Uniloc”) and Consolidated Defendants, Avaya, Inc. (“Avaya”), ShoreTel Inc. (“ShoreTel”), Cisco Systems, Inc. (“Cisco”), Huawei Enterprise USA, Inc. (“Huawei”), NEC Corporation of America (“NECAM”), Unify Inc. (“Unify”), Facebook, Inc. (“Facebook”), Viber Media S.a.r.l. (“Viber”), WhatsApp Inc. (“WhatsApp”), ooVoo, LLC (“ooVoo”), and TangoMe, Inc. d/b/a Tango (“Tango”) (collectively “Defendants”) hereby submit the parties’ Joint Claim Construction Statement.

**I. P.R. 4-3(a): AGREED CLAIM CONSTRUCTIONS**

Uniloc, Avaya, Cisco, Huawei and Shoretel agree to the following claim constructions<sup>1</sup>:

TERMS AND PHRASES	AGREED CONSTRUCTION
“network [access / accessible] device”	<p>“any device capable of communicating over a network to one or more other Network Access Devices using a common protocol.”</p> <p>Such NADs can include but are not limited to computers, servers, workstations, Internet appliances, terminals, hosts, personal digital assistants (hereafter ‘PDAs’), and digital cellular telephones</p>
“address”	<p>“the identifier for where a participant to a conference call may be contacted, and may be, but is not limited to, a PSTN or cellular phone number, such as an ANI, or a unique identifier associated with a voice over Internet protocol communications path”</p>
<p>“automatic number identifier”</p> <p>Also known as “ANI”</p>	<p>“the direct phone number of a call participant, and is typically the number at which a person may be directly dialed”</p>

**II. P.R. 4-3(b): DISPUTED CLAIM CONSTRUCTIONS**

The chart attached as **Exhibit A** to this Joint Claim Construction Statement contains the disputed claim terms, phrases and clauses.

The chart attached as **Exhibit B** to this Joint Claim Construction Statement contains Unloc’s identification of intrinsic and extrinsic evidence supporting its proposed constructions.

The chart attached as **Exhibit C** to this Joint Claim Construction Statement contains Defendants’ identification of intrinsic and extrinsic evidence supporting its proposed constructions.

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<sup>1</sup> The patent claims including these terms have not been asserted against Defendants, Facebook, NEC, ooVoo, Tango, Unify, Viber and Whatsapp. Therefore, these defendants were not party to any dispute regarding the meaning of these terms and have not taken a position regarding the meaning of these terms. Should Uniloc later seek to assert these patents against any of these defendants, each reserves the right to address claim construction regarding the ’000 patent and/or ’948 patent at an appropriate time following any such assertion.

**III. P.R. 4-3(c): LENGTH OF CLAIM CONSTRUCTION HEARING**

The parties request two hours for the claim construction hearing, divided as one hour for Uniloc and one hour for Defendants.

**IV. P.R. 4-3(d): LIVE WITNESS TESTIMONY**

No party will present live witness testimony at the claim construction hearing.

**V. P.R. 4-3(e): OTHER ISSUES**

Any other outstanding issues will be addressed in the briefing.

Date: October 21, 2016

Respectfully submitted,

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<sup>2</sup> At 9:09 p.m. ET on Friday, October 21, 2016—the date the instant filing was due—counsel for Defendants collectively e-mailed Uniloc’s counsel with revisions to this document and Exhibit A, as well as a copy of Defendants’ collective Exhibit C. Defendants’ counsel then individually identified which of each of the individual defendant’s counsel approved the use of their signature. However, counsel for Unify did not indicate which counsel would sign the document. Counsel for Uniloc sent e-mails at 10:12 p.m. ET and again at 10:39 p.m. ET, requesting such identification, but counsel for Unify did not respond. In light of the deadline to file this document—and the fact that defendants apparently coordinated their papers—Uniloc’s counsel filed this document on the date it was due.

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on October 21, 2016

/s/ Aaron S. Jacobs